

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HARRY LEMASTER, et al,

Plaintiffs,

v.

ALLIS-CHALMERS CORP., et al,

Defendants.

No. C 08-3316 PJH

**ORDER STAYING CASE
AND VACATING HEARING
DATE**

The court is in recent receipt of a letter from the Judicial Panel on Multidistrict Litigation, informing the court of the Panel's conditional transfer order in the instant action, as well as the filing of a notice of opposition in response to that conditional transfer order. According to the Panel's letter, the propriety of the action's transfer will be considered at the Panel's bimonthly hearing session.

Until the Panel has affirmatively resolved the transfer issue, and in the interests of judicial efficiency, this court declines to undertake resolution of any substantive matters in the underlying action. Accordingly, pursuant to its inherent authority to control its own docket, the court informs the parties that the instant action is hereby STAYED. The parties are further instructed that they are to notify the court of the Panel's decision regarding transfer of this action, within one week of issuance of the Panel's decision.

The hearing on plaintiffs' pending motion to remand is VACATED. In the event the Panel declines to affirm transfer of the action, the court will place the motion back on its

1 calendar for hearing and resolution.

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3 **IT IS SO ORDERED.**

4 Dated: September 9, 2008



PHYLLIS J. HAMILTON
United States District Judge